

Notice of Allowability

Application No.

09/552,861

Applicant(s)

SNOW, PAUL ALAN

Examiner

J. Derek Rutten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 4/4/05.
2. ☒ The allowed claim(s) is/are 1,2,5,6,9,11-13 and 25-35 (renumbered 1-19).
3. ☒ The drawings filed on 04 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN DAM
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Yociss, Reg. 36,975 on 23 June 2005.

IN THE CLAIMS

Please amend claim 25 as follows:

Claim 25. (Currently Amended): A computer program product encoded on a computer readable recordable-type medium, comprising:

computer executable instruction means for storing a plurality of working definitions for a plurality of computing environments;

computer executable instruction means for receiving requests for one of the plurality of computing environments from and transferring the requested one of the plurality of computing environments to a client over a communications line;

each one of said plurality of computing environments including a set of first working definitions that define a plurality of applications and a second working definition that defines

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said each one of said plurality of computing environments, said set of first working definitions and said second working definition being included in said plurality of working definitions;

each one of said set of first working definitions including platform independent definitions that define characteristics of one of said plurality of applications that are necessary to construct a valid runtime image of said one of said plurality of applications, said characteristics including state, settings, and structures required to build said runtime image of said one of said plurality of applications; and

said second working definition including platform independent definitions that define characteristics of said each one of said plurality of computing environments that are necessary to construct a valid runtime image of said each one of said plurality of computing environments, said characteristics including state, settings, and structures required to build said runtime image of said each one of said plurality of computing environments.

END EXAMINER'S AMENDMENT

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Applicant has argued on page 12 paragraph 4 of the Appeal Brief filed April 4, 2005 that (1) "House does not teach a computing environment that includes a second working definition that defines its computing environment that includes the set of first working definitions that define a plurality of applications and the second working definition"; and on page 13 paragraphs 2-4 that (2) "House does not teach a second working definition that defines characteristics that are necessary to

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construct a valid runtime image of its computing environment.” These statements are in accordance with limitations of claim 1 that read: “...*said second working definition including platform independent definitions that define characteristics of said each one of said plurality of computing environments that are necessary to construct a valid runtime image of said each one of said plurality of computing environments...*” The Applicant’s arguments are convincing.

The cited prior art taken alone or in combination fails to teach, in combination with the other claimed limitations, a computing environment that includes a second working definition that defines its computing environment that includes the set of first working definitions that define a plurality of applications and the second working definition, and a second working definition that defines characteristics that are necessary to construct a valid runtime image of its computing environment. These limitations are present in each of independent claims 1, 25, and 30. The distinctions provided by the independent claims apply equally to all dependent claims. Thus all pending claims 1, 2, 5, 6, 9, 11-13, and 25-35, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571) 272-3703. The examiner can normally be reached on T-F 6:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdr



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SUPERVISORY PATENT EXAMINER